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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/800,096

03/12/2004

Richard M. Hogan

4022-000014

8094

27572 7590 02/19/2008
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EXAMINER

DESAI, ANISH P

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

02/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/800,096	Applicant(s) HOGAN ET AL.	
	Examiner ANISH DESAI	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/30/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's arguments in response to the Office action dated 08/31/07 have been fully considered.

1. Claims 1-12 and 31-46 are cancelled. Claims 13-30 are pending.
2. All of the previously made art rejections are maintained.

Claim Rejections - 35 USC § 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated Pedginski et al. (US 5,882,753) substantially as set forth in the previous Office Action.
4. Claim 21 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Pedginski et al. (US 5,882,753) substantially as set forth in the previous Office Action.

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5. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pedginski et al. (US 5,882,753) substantially as set forth in the previous Office Action.

6. Claims 22, 23, 25-27, 29 and 30 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Katsuki et al. (US 4,427,743) substantially as set forth in the previous Office Action.

7. Claims 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuki et al. (US 4,427,743) as applied to claim 22 above, and further in view of Friedman et al. (US 6,159,608) substantially as set forth in the previous Office Action.

Response to Arguments

8. Applicant's arguments filed on 11/30/07 have been fully considered but they are not persuasive.

9. The 35 USC Section 102(b) rejections based on Pedginski (US 5,882,753) are maintained for the following reasons:

Applicant argues that Pedginski reference does not anticipate the claim limitation of “expendable polymeric layer comprising polyolefin material” because the release coating of Pedginski, which is equated by the Examiner with the expendable polymeric layer A of the claims, does not encompass "polyolefin material" as claimed. According to Applicant as described in paragraph 0033 of the specification, where the polyolefin materials are described, such polyolefin materials excludes graft copolymers of a base polymer and fluoroaliphatic monomer as taught by Pedginski reference for release coating.

The Examiner respectfully disagrees. While it is noted that the release coating of Pediginski reference are based on fluoropolymers, with regards to the release coating of his invention at column 8 lines 65-67 to column 9 lines 1-5 Pediginski discloses that "In addition, the graft copolymer may be blended with an at least one suitable thermoplastic polymer to meet to needs of a particular application. Suitable thermoplastic polymers may comprise the same polymers as the backbone. Alternatively, the thermoplastic polymer may be selected from a variety of thermoplastic polymers, including the aforementioned thermoplastic polymers suitable for the backing layer." The thermoplastic polymers of Pediginski that are suitable as backbone polymer are polypropylene, polyethylene etc. (see column 8 lines 39-52) and the thermoplastic polymers forming the backing of Pediginski are polypropylene and polyethylene (column 8 lines 59-64). Further, Example 10 of Pediginski reference discloses addition of ungrafted LLDPE in the release coating of his invention. This disclosure of Pediginski clearly teaches that the release coating of his invention comprises a polyolefin material. Accordingly, Pediginski anticipates claimed invention.

10. The 35 USC Section 102(b) or 103(a) rejections based on Katsuki (US 4,427,743) are maintained for the following reasons:

It is noted that Applicant has continued to maintain same arguments as presented before. Specifically, Applicant does not agree with the Examiner's position of equating seven layer composite of Katsuki with the three layer composite sheet of the claimed invention. Further Applicant argues that the seven layer composite of Katsuki is not coextruded.

The Examiner respectfully disagrees. To the Examiner claim language does not explicitly exclude other layers from the composite sheet. Further, as set forth previously in the

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Office Action, the Examiner's interpretation of Katsuki's disclosure is different from Applicant's interpretation. The Examiner is collectively equating layers 1A'/2A'/3A/ and 3B'/2B'/1B' of Katsuki (see Figure 2) as an expendable polymeric layer comprising a polyolefin material layer A respectively. Moreover, the cushioning layer 4 of Katsuki is made from resins such as copolymer of ethylene and vinyl acetate and polyurethane (Column 5, line 54-55) and has sufficient tackiness or adhesiveness (Column 7, lines 44-47). Thus, the cushioning layer 4 of Katsuki is equated to the thermoplastic adhesive layer B. This interpretation of Katsuki's disclosure meets the claim requirement of A-B-A composite sheet. As to the claim requirement of co-extruded sheet, as set forth previously on pages 6-7 of the Previous Office Action mailed on 08/31/07, this limitation is product by process limitation, and the Examiner's comments as set forth on the aforementioned pages are applicable for rebuttal.

11. The 35 USC Section 103(a) rejections based on Pedginski alone to claims 18-20 and 21 are maintained for the following reasons:

Applicant generally disagrees with the Examiner by stating that there is no motivation to modify Pedginski. The Examiner respectfully disagrees. The motivation to modify Pedginski is provided on pages 4-5 of the previous Office Action.

It is noted that Applicant has generally shown disagreement with the Examiner's rejections of claims 24 and 28. However, Applicant has not pointed out any specific errors in the Examiner's rejection, therefore the Examiner's comments set forth above in this Office Action are equally pertinent to the rejection of these claims.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANISH DESAI whose telephone number is (571)272-6467. The examiner can normally be reached on Monday-Friday, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. D./
APD

/Terrel Morris/
Terrel Morris
Supervisory Patent Examiner
Group Art Unit 1794

<div>Application Number</div> <div></div>	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/800,096	HOGAN ET AL.	
	Examiner	Art Unit	
	ANISH DESAI	1794	